

## REMARKS

### Pending Claims:

Claims 1-5, 7, 9, 10, 13, and 16-24 are pending in this application as amended. Claims 3 and 5 are original. Claims 1, 2, 4, 7, 9, 10, 13, and 16 are currently amended. Claims 17-24 are new. Claims 6, 8, 11, 12, 14, and 15 are canceled.

### Objection

Claims 4, 5, 6, 7, 10, 13, and 16 were objected to as being dependent upon a rejected base claim, but the Office Action stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, with all appropriate corrections made. In fact, independent claims 4, 10, 13, and 16 have been rewritten as suggested. These claims, as well as claim 5 which depends upon claim 4, should now be in condition for allowance.

As mentioned above, claim 6 has been canceled.

Applicant respectfully disagrees with and transverses the objection to claim 7, since it is an independent claim. However, claim 7 was also rejected, as described in the next section.

### Rejection under 35 U.S.C. §101

Claim 7 was rejected as being “directed to non-statutory subject matter because the claims are not limited to physical (i.e., material or tangible) embodiments of a computer program product.” The preamble of claim 7 has been amended to read “A program storage device readable by a computer embodying *in a tangible medium* one or more programs of instructions executable by the computer to perform a method for dynamically shrinking mirrored virtual disks in a RAID storage system.” (Emphasis added.)

### Rejections under 35 U.S.C. §112

Claim 1 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The grammatically incorrect language to which this rejection relates, namely “manipulating

RAIDs in the RAID storage system to assigned to the mirrored virtual disks”, has been removed by amendment to the claim.

### **Rejection under 35 U.S.C. §102(e)**

Claims 1-3, 6, 8, 9, 11, 12, 14, and 15 were rejected on novelty grounds as being anticipated by *Kim* (U.S. Patent Application 2003/0023811). Claims 6, 8, 11, 12, 14, and 15 have all been canceled, so the rejections of those claims are now moot.

Claim 1 has been amended to read, in pertinent part,

*A program storage device ... embodying one or more programs of instructions ... to perform a method ... comprising:*  
*receiving by a source virtual disk a request to dynamically expand the mirrored virtual disks, which include the source virtual disk and at least one destination virtual disk;*  
...  
*reporting respective new sizes of each of the at least one destination virtual disk before reporting a new storage size of the source virtual disk; and*  
*reporting the new size of the source virtual disk.*

*Kim* does not teach such a reporting process, so amended claim 1 should be in condition for allowance. Claims 2 and 3 depend on claim 1, and so should also be in condition for allowance.

Claim 9 previously depended on claim 8, which has been canceled. Claim 9 now depends on new independent claim 23, and hence should be in condition for allowance.

### **New Claims**

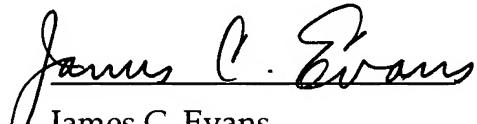
Claims 17-24 are new claims. All amended and new claims are supported by the specification.

### CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
XIOTECH CORPORATION  
By its attorneys:

Date: 12/10/2007



James C. Evans  
Registration No. 56,730  
Beck & Tysver, P.L.L.C.  
2900 Thomas Ave., #100  
Minneapolis, MN 55416  
Telephone: (612) 915-7006  
Fax: (612) 915-9637